

## DEPARTMENT OF HEALTH SERVICES

2151 BERKELEY WAY  
BERKELEY, CA 94704

(415) 540-2043



I. De Armond  
Industrial Engineer  
American Can Company  
PO Box 2092  
3801 E. 8th Street  
Oakland, CA 94604

March 23, 1984

Dear Ms. De Armond:

Enclosed please find a Final Hazardous Waste Facility Permit for your facility. The permit authorizes the storage and/or treatment of hazardous waste under certain specified conditions.

If you have any questions, please call Hamid "Tony" Hashemian of my staff at (415) 540-2604.

Sincerely,

*W. L. Bunker*  
Dwight R. Hoenig, Chief  
North Coast California Section  
Toxic Substances Control Division

✓  
cc: Mr. William Wilson, EPA, Region IX, San Francisco

## DEPARTMENT OF HEALTH SERVICES

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BERKELEY, CA 94704  
(415) 540-2043



Facility: American Can Company  
3801 E. 8th Street  
Oakland, CA 94604

Hazardous Waste Facility Permit

Number: CAD 009162116

Effective Date: March 13, 1984  
Expiration Date: March 13, 1989

Operator: American Can Company  
P.O. Box 3610  
Greenwich, Connecticut 06836

Pursuant to Section 25200 of the California Health and Safety Code, this Hazardous Waste Facility Permit is hereby granted to American Can Company subject to the conditions set forth in Attachment A which by this reference is incorporated herein.

Richard P. Wilcoxon, Chief  
Toxic Substances Control Division

March 13, 1984

Date:

## ATTACHMENT A

### **Hazardous Waste Facility Permit**

American Can Company  
3801 E. 8th Street  
Oakland, CA 94604

#### **I. DESCRIPTION OF FACILITY**

##### **1. Ownership, Operations, and Location**

American Can Company, hereinafter called the owner and/or operator, has applied for a permit authorizing the operation of a hazardous waste facility located at 3801 E. 8th Street, Oakland, Alameda County. The facility operations involve the storage of hazardous wastes in containers prior to transfer to a recycling facility or a disposal site. The design capacity of the drum storage area is 256 drums. A separate container storage area for solder dross and baghouse dust has a capacity of approximately 100 drums. Accordingly, the California State Department of Health Services has jurisdiction to issue a permit authorizing the operation of the facility subject to the following terms and conditions.

##### **2. Compliance with California Environmental Quality Act**

The project involves the continued operation of an existing facility with only minor alterations, and is therefore exempt from the California Environmental Quality Act pursuant to Section 15101, Title 14, California Administrative Code.

#### **II. GENERAL CONDITIONS**

##### **1. Effect of Permit**

The owner or operator is permitted to store hazardous wastes in accordance with the conditions of this permit. Any storage of hazardous wastes not authorized in this permit is prohibited. Compliance with this permit constitutes compliance, for purposes of enforcement, with the provisions of the California Health and Safety Code, including Chapter 6.5, Division 20, and with the minimum Standards for Management of Hazardous and Extremely Hazardous Wastes (Chapter 30, Division 4, Title 22, California Administrative Code). Issuance of this permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, state, or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment for any imminent and substantial endangerment to human health or the environment.

##### **2. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause as specified in Sections 122.15, 122.16, and 122.17, Title 40, Code of Federal

Regulations (CFR), or at the discretion of the California State Department of Health Services in order to protect public health or the environment. A new facility permit condition or a modification of an existing facility permit condition shall become effective on the date that written notice of such change is received by the owner or operator. The filing of a request for a permit modification, revocation and reissuance, or termination or the modification of planned changes or anticipated noncompliance on any part of the owner or operator does not stay the applicability or enforceability of any permit condition.

3. Need to Halt or Reduce Activity

It shall not be a defense for the owner or operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

5. Operation Plan

The owner or operator must submit to the California State Department of Health Services an operation plan. By the issuance of this permit, this operation plan, dated August, 1983, is hereby approved. The plan shall be maintained at the facility at all times until closure is completed. This operation plan and any subsequent revisions thereof, subject to the approval of the California State Department of Health Services, are by this reference made part of this permit. Specific sections of the operation plan are referenced elsewhere in this permit.

6. General Responsibilities of Operator

(a) Compliance

The owner or operator shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application.

(b) Reapplication

If the owner or operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the owner or operator must submit a completed application for a new permit at least 180 days before this permit expires.

(c) Permit Expiration

This permit and all conditions therein will remain in effect beyond the permit expiration or termination date if the owner or operator has submitted a timely, completed application and, through no fault of the owner or operator, the California State Department of Health Services has not issued a new permit.

(d) Mitigation

The owner or operator shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from non compliance with this permit.

(e) Operations and Maintenance

The owner or operator shall at all times properly operate and maintain all facilities of treatment and control (and related appurtenances) which are installed or used by the owner or operator to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of the permit.

(f) Submittal of Requested Information

The owner or operator shall furnish to the California State Department of Health Services, within a reasonable time, any relevant information which the California State Department of Health Services may request to determine whether cause exists for modifying, revoking, and reissuing, terminating this permit, or to determine compliance with this permit. The owner or operator shall also furnish to the California State Department of Health Services, upon request, copies of records required to be kept by this permit.

(g) Inspection and Entry

The owner or operator shall allow authorized representatives of the California State Department of Health Services or the local health agency, upon the presentation of credentials and other documents as may be required by law to:

- (1) Enter at reasonable times upon the owner's or operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including

monitoring and control equipment), practices, or operations regulated or required under this permit; and

- (4) Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or, as otherwise authorized by law, any substances or parameters at any location.

(h) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix 1 of 40 CFR Part 261. Laboratory methods must be those specified in the approved operation plan.
- (2) The owner or operator shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or record. These periods may be extended by request of the regional administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.
- (3) Records of monitoring information shall include:
  - (i) The date, exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The analytical techniques or methods used; and
  - (vi) The results of such analyses.

(i) Planned Changes

The owner or operator shall give notice to the California State Department of Health Services, as soon as possible, of any planned physical alterations or additions to the permitted facility.

(j) Anticipated Noncompliance

The owner or operator shall give advance notice to the California State Department of Health Services of any planned changes in the

permitted facility or activity which may result in noncompliance with permit requirements.

(k) 24-Hour Reporting

The owner or operator shall report to the California State Department of Health Services any noncompliance which may endanger health or the environment. Any information shall be provided verbally within 24 hours from the time the owner or operator becomes aware of the circumstances. The following shall be included as information which must be reported verbally within 24 hours:

- (1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
- (2) Any information of a release or discharge of hazardous waste, or of a fire or explosion from the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
  - (i) Name, address, and telephone number of the owner or operator;
  - (ii) Name, address, and telephone number of facility;
  - (iii) Date, time and type of incident;
  - (iv) Name and quantity of material(s) involved;
  - (v) The extent of injuries, if any;
  - (vi) An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
  - (vii) Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within five days of the time the owner or operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The owner or operator need not comply with the 5-day written requirement if the California State Department of Health Services waives that requirement and the owner or operator submits a written report within 15 days of the time the owner or operator becomes aware of the circumstances.

(l) Other Noncompliance

The owner or operator shall report all other instances of noncompliance not otherwise required to be reported at the time monitoring or other reports are submitted. The reports shall contain the information listed in II.6 (k) above.

(m) Other Information

Where the owner or operator becomes aware that he failed to submit any relevant facts in the permit application or submitted incorrect information in a permit application or any report submitted to the California State Department of Health Services, the owner or operator shall promptly submit such facts or information.

7. Signatory Requirement

All reports or other information requested by the California State Department of Health Services shall be signed by the owner or operator or the corporations' principal executive officer or, at least, the level of vice president. The person signing the document shall make the following certification:

"I certify under penalty of perjury that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

8. Certification of Construction

The owner or operator may not commence treatment, storage, or transfer of hazardous wastes at the facility nor in a modified portion of that facility until:

- (a) The owner or operator has submitted to the California State Department of Health Services by certified mail or hand delivery a letter signed by the owner or operator and an appropriate engineer registered in California stating that the facility has been constructed in compliance with the permit; and
- (b)
  - (1) The California State Department of Health Services has inspected the constructed facility and finds it is in compliance with the conditions of the permit; or
  - (2) The California State Department of Health Services has either waived the inspection or has not within 15 days notified the owner or operator of his or her intent to inspect.



9. Transfer of Permit

This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to Section 122.15 (b) (2) or 122.17 (d), Title 40, CFR. The owner or operator shall notify the California State Department of Health Services of a proposed change in ownership of the facility at least 30 days prior to the date of the transfer. Furthermore, before transferring ownership or operation of this facility during its operating life, the owner or operator shall notify the new owner or operator in writing of the requirements of this permit and the permitting process. A copy of this notification shall be submitted to the California State Department of Health Services.

10. Compliance Schedules

Reports of compliance or noncompliance with, or any reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

11. Records

(a) The owner or operator shall maintain at his place of business and at the facility, until closure is completed and certified by an independent registered engineer in California so as to be available at all times to operating personnel, the following documents and amendments, revisions and modifications to these documents:

- (1) Waste Analysis Plan
- (2) Contingency Plan
- (3) Closure Plan
- (4) Personnel Training Documents and Records
- (5) Cost Estimate for Facility Closure
- (6) Operating Record
- (7) Inspection Schedules

All amendments, revisions, and modifications to any plan or cost estimates required by this permit shall be subject to the approval of the California State Department of Health Services.

(b) The owner or operator shall maintain a copy of this permit at his place of business and at the facility so as to be available at all times to operating personnel.

12. References and Terminology

All parts in this permit are identified by Roman numerals. The items set forth in each part shall apply to the owner, operators, and/or facility in addition to the items set forth in any preceeding and/or following part of

this permit. Unless explicitly stated otherwise, all cross reference to items in this permit shall refer only to items occurring within the same part.

### III. SPECIAL CONDITIONS

#### 1. Hazardous Waste List

The owner or operator shall maintain current, the list of hazardous wastes that can be accepted by the facility presented in the approved operation plan. Additions to the list must first be approved by the California State Department of Health Services.

#### 2. Wastes Prohibited

Hazardous wastes described below shall not be handled at the facility:

- (a) Extremely hazardous wastes as defined in Sections 66064 and 66685, Title 22, California Administrative Code, unless specifically approved by a written permit from the California State Department of Health Services.
- (b) Forbidden and Class A explosives as defined in Section 173.51 and 173.53, Title 49, CFR.
- (c) Any hazardous waste not listed in the approved operation plan.

#### 3. Maintenance and Operation of Facility

The facility shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

#### 4. Transfer of Wastes

- (a) Hazardous wastes shall not be permanently disposed of at the facility.
- (b) All equipment, pipes, and lines used at the facility to handle, transfer, pump, or store hazardous wastes shall be maintained in a manner that prevents the leaking and spilling of hazardous wastes.

#### 5. Operation at Night

When the facility is operated during hours of darkness, the owner or operator shall provide sufficient lighting to ensure safe, effective management of hazardous wastes.

#### 6. Analysis of Waste

- (a) Upon the effective date of this permit, the owner or operator shall follow the written waste analysis plan as described in the approved operation plan.
- (b) Before the owner or operator treats or stores or disposes of a particular

type of hazardous waste for the first time, he shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis shall contain all the information which must be known to treat or store the waste in accordance with the conditions of this permit.

- (c) The analysis may include data developed for other purposes, and existing published or documented data on the hazardous waste or on waste generated from similar processes.
- (d) The analysis shall be repeated, as necessary, to ensure that it is accurate and up-to-date. At a minimum, the analysis must be repeated when the owner or operator is notified or has reason to believe that the process operation generating the hazardous waste has changed.
- (e) The owner or operator shall verify its waste analysis as part of the quality assurance program. The quality assurance program will be in accordance with current U.S. Environmental Protection Agency (EPA) practices (test methods for evaluating solid waste: physical/chemical methods SW-846 dated July 1982) or equivalent methods approved by the California State Department of Health Services; and at a minimum ensure that the owner/operator maintain proper functional instruments, uses approved sampling and analytical methods, assures the validity of sampling and analytical procedures, and performs correct calculations.

#### 7. Security

- (a) The perimeter of the hazardous waste area of the facility shall be secured by a well-maintained fence capable of preventing the intrusion of livestock and of discouraging entry by unauthorized persons.
- (b) The owner or operator shall maintain the following to control entry at all times to the active portion of the facility:
  - (1) A 24-hour surveillance system which continuously monitors and controls entry; or
  - (2) An artificial and/or natural barrier which completely surrounds the active portion of the facility and which has a means to control entry, at all times, through the gates or other entrances to the active portion of the facility.
- (c) Signs indicating that the facility, or the hazardous waste area of the facility, contains hazardous waste shall be placed on the perimeter fence and at locations where it is anticipated that hunters and other trespassers may enter the facility.

Wording of the signs shall be in English, "Caution-Hazardous Waste Area-Unauthorized Persons Keep Out", and Spanish, "Cuidado! Zona de Residuos Peligrosos. Prohibida la Entrada a Personas No Autorizadas." Signs shall be legible from a distance of 25 feet.

#### 8. Inspections

- (a) The owner or operator shall inspect the facility for malfunctions and

deterioration, operator errors, and discharges which may be causing -- or may lead to -- release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

- (b) (1) The owner or operator shall follow the written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and pumps) that are important to preventing, detecting, or responding to environmental or human health hazards as described in the approved operation plan.
- (2) He shall keep this schedule at the facility.
- (c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on the schedule as described in the approved operation plan and which shall ensure that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.
- (d) The owner or operator shall record inspections in an inspection log or summary and shall keep these records for at least three years from the date of inspection.

#### 9. Personnel Training

- (a) Facility personnel shall successfully complete the program of classroom instruction or on-the-job training as described in the approved operation plan.
- (b) This program shall be directed by a person trained in hazardous waste management procedures.
- (c) Facility personnel shall have successfully completed the program required in Item 9 (a) by the effective date of this permit or within six months after the date of their employment or assignment to a facility or to a new position at the facility whichever is later. Employees hired after the effective date of this permit shall not work in unsupervised positions until they have completed the training requirements of Item 9 (a).
- (d) Facility personnel shall take part in an annual review of the initial training required in Item 9 (a).
- (e) The owner or operator shall maintain the following documents and records at the facility:
  - (1) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
  - (2) A written job description for each position listed under Item 9

- (e) (1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit but shall include the requisite skill, education, or other qualifications and duties of facility personnel assigned to each position;
- (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Item 9 (e) (1); and
- (4) Records that document that the training or job experience required under Items 9 (a), (b), (c), and (d) has been given to and completed by facility personnel.
- (f) Training records on current personnel as required in Item 9 (e) (4) shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

10. Management of Ignitable, Reactive, or Incompatible Wastes

- (a) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes. This waste shall be separated and protected from sources of ignition or reaction. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
- (b) The storage of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials shall be conducted so that it does not:
  - (1) Generate extreme heat or pressure, fire or explosion, or violent reaction;
  - (2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
  - (3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
  - (4) Damage the structural integrity of the device or facility containing the waste; or
  - (5) Through other like means threaten human health or the environment.
- (c) When required to comply with Items 10 (a) and (b), Part III of this permit, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the

results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

- (d) The following incompatible hazardous waste groups shall be adequately separated from each other during all handling and storage operations:
  - (1) Alkalies and cyanides;
  - (2) Acids;
  - (3) Strong oxidizers;
  - (4) Toxic wastes, pesticides, and flammable wastes.

11. Location Standards

- (a) The owner or operator shall not store hazardous wastes within 61 meters (200 feet) of a fault which has had displacement in the last 11,000 years. (New facilities or modification to existing facilities only.)
- (b) The owner or operator shall ensure that the facility is designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood or that the wastes can be removed safely, before flood waters reach the facility, to a location where the wastes will not be vulnerable to flood waters.

12. Required Equipment

- (a) Upon the effective date of this permit, the owner or operator shall have available at the facility all required safety and emergency equipment as described in the approved operations plan.
- (b) The facility water supply system shall be capable of providing water in adequate volume and pressure to maintain water hose streams.
- (c) Owner or operator shall maintain access to communication or alarm system specified in the approved operation plan.

13. Testing and Maintenance of Equipment

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment shall be tested and maintained as necessary to ensure its proper operation in time of emergency.

14. Required Aisle Space

The owner or operator shall maintain aisle space as needed to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

15. Arrangements with Local Authorities

- (a) Upon the effective date of this permit, all emergency response arrangements made by the facility with local authorities as described

in the approved operation plan shall have been effected.

- (b) If local authorities refuse to enter into preparedness and prevention arrangements with the owner or operator, the owner or operator shall document this refusal in the operating record.

16. Contingency Plan

(a) Maintenance

Upon the effective date of this permit, the owner or operator shall follow the contingency plan described in the approved operation plan.

(b) Distribution

A copy of the contingency plan and all revisions to the plan shall be:

- (1) Maintained at the facility; and
- (2) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(c) Implementation

The provisions of the contingency plan shall be carried out immediately wherever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

(d) Amendment of Contingency Plan

The contingency plan shall be reviewed and immediately amended, if necessary, whenever:

- (1) Applicable regulations are revised;
- (2) The plan fails in an emergency;
- (3) Whenever the permit is revised;
- (4) The list of emergency coordinators changes; or
- (5) The list of emergency equipment changes; and
- (6) The owner or operator shall submit to the California State Department of Health Services within 30 days any proposed amendments to the contingency plan.

(e) Emergency Coordinator

At all times there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the re-

sponsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

(f) Emergency Procedures

- (1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) shall follow the procedures of the contingency plan as described in the approved operation plan.
- (2) The owner or operator shall notify the California State Department of Health Services and local authorities that the cleanup procedures are complete and all emergency equipment listed in the contingency plan is clean and fit for its intended use before operations are resumed.
- (3) The owner or operator shall note in the operating record the time, date, and details of any incident that required implementing the contingency plan.
- (4) The owner or operator shall report each incident to the California State Department of Health Services in accordance with the 24-hour reporting requirement contained in II.6 (k) of this permit.

17. Recordkeeping and Reporting

(a) Availability, Retention, and Disposition of Records

- (1) All records including plans, required in this permit shall be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the California State Department of Health Services.
- (2) The retention period for all records required in this permit is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the California State Department of Health Services.

(b) Operating Record

- (1) The owner or operator shall keep a written operating record at the facility.

The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

- (i) A description and the quantity of each hazardous waste



received, and the method(s) and date(s) of its treatment or storage at the facility;

- (ii) The location of each hazardous waste within the facility and the quantity at each location. This information shall include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;
- (iii) Records and results of waste analyses and trial tests performed;
- (iv) Summary reports and details of all incidents that require implementing the contingency plan;
- (v) Records and results of inspections (except these data need be kept only three years);
- (vi) Required monitoring, testing, or analytical data; and
- (vii) All closure cost estimates.

(c) Annual Report

The owner or operator shall prepare and submit a single copy of an annual report to the California State Department of Health Services by March 1 of each year beginning March 1, 1985. The annual report shall cover facility activities during the previous calendar year and shall include the following information:

- (1) The EPA identification number, name and address of the facility;
- (2) The calendar year covered by the report;
- (3) The EPA or California State Department of Health Services identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report shall give the name and address of the foreign generator; and
- (4) The description quantity and method of treatment, storage, and disposal of each hazardous waste the facility received during the year, listed by EPA or California State Department of Health Services identification number of each generator.

(d) Additional Reports

In addition to submitting the annual report required in Item 17 (c), the owner or operator shall also report to the California State Department of Health Services:

- (1) Releases, fires, and explosions; and
- (2) Facility closure.

## 18. Closure

### (a) Closure Plan and Amendment of Plan

- (1) The owner or operator shall comply with the closure plan as described in the approved operation plan.
- (2) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator shall amend his plan any time changes in operating plans or facility design affect the closure plan.
- (3) The owner or operator shall submit to the California State Department of Health Services within 30 days any proposed amendments made to the closure plan.
- (4) The owner or operator shall notify the California State Department of Health Services at least 180 days before the date he expects to begin closure.

### (b) Time Allowed for Closure

- (1) Within 90 days after receiving the final volume of hazardous wastes, the owner or operator shall treat all hazardous wastes in storage or in treatment or remove them from the site in accordance with the approved closure plan.
- (2) The owner or operator shall complete closure activities in accordance with the approved closure plan and within six months after receiving the final volume of wastes.

### (c) Disposal or Decontamination of Equipment

When closure is completed, all facility equipment and structures shall have been properly disposed of or decontaminated by removing all hazardous waste and residues.

### (d) Certification of Closure

When closure is completed, the owner or operator shall submit to the California State Department of Health Services certification both by the owner or operator and by an independent engineer registered in California that the facility has been closed in accordance with the specifications in the approved closure plan.

## 19. Financial Responsibility

### (a) Cost Estimate for Facility Closure

- (1) The owner or operator shall have a written estimate of the cost of closing the facility in accordance with the applicable closure

requirements of this permit. The owner or operator shall keep this estimate, and all subsequent estimates, at the facility. The estimate shall equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive as indicated by its closure plan.

- (2) The owner or operator shall prepare a new closure cost estimate whenever a change in the closure plan affects the cost of closure.
- (3) On each anniversary of the effective date of this permit, the owner or operator shall adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its SURVEY OF CURRENT BUSINESS. The inflation factor shall be calculated by dividing the latest published annual Deflator by the Deflator for the previous year. The result is the inflation factor.

The adjusted closure cost estimate shall equal the latest closure cost estimate times the inflation factor.

- (4) The adjusted closure cost estimate shall be submitted to the California State Department of Health Services as part of the annual report required in III 17 (c).

(b) Financial Assurance for Facility Closure

The permittee shall demonstrate continuous compliance with 40 CFR 264.143 and .145 or where applicable with 40 CFR 264.145, .149, .150, and .151 by providing documentation of financial assurance in at least the amount of the cost estimates required by permit condition III 19 (a).

- (c) An owner or operator who fulfills the requirements of III 19 (b) by obtaining a letter of credit, surety bond, or insurance policy will be deemed to be without the required financial assurance in the event of a bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance within 60 days of such events.
- (d) The owner or operator shall comply with all other financial responsibility and facility closure requirements of the California State Department of Health Services when enacted.

IV. STORAGE OF WASTES

1. General Conditions

- (a) Hazardous waste shall not be stored at the facility for longer than one year without written approval from the California State Department of Health Services.

- (b) If a hazardous waste is stored at the facility longer than one year, the owner or operator shall submit to the California State Board of Equalization fees due and payable in conformance with Chapters 1-8, Part 22, Division 2, Revenue and Taxation Code and with Article 8, Chapter 30, Division 4, Title 22, California Administrative Code.

2. Storage in Containers

(a) Conditions

- (1) Containers used for storing hazardous waste shall be in a condition such that the containers can be safely transported, handled, or moved.
- (2) If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the conditions of this permit.

(b) Compatibility of Waste

- (1) The owner or operator shall use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.
- (2) Areas used for storing containers of hazardous waste shall be widely separated, or physical barriers shall be provided to ensure that commingling of incompatible hazardous wastes cannot occur if a container ruptures.

(c) Management

- (1) Containers holding hazardous wastes shall be stored only in the area designated in the approved operation plan.
- (2) A container holding hazardous waste shall remain closed during storage, except when it is necessary to add or remove waste.
- (3) A container holding hazardous waste shall not be opened, handled, or stored in a manner which might rupture the container or cause it to leak.
- (4) A label shall be maintained on all containers in which hazardous wastes are stored for 90 days or more and records for the storage of all hazardous wastes shall be maintained pursuant to Section 66535, Title 22 of the California Administrative Code. Labels shall include the following information:
  - (i) Composition and physical state of the waste;
  - (ii) Special safety recommendations and precautions for handling the waste;

- (iii) Statement or statements which call attention to the particular hazardous properties of the waste;
  - (iv) Amount of waste and name and address of the person producing the waste; and
  - (v) Date of acceptance at the storage facility.
- (5) Empty containers contaminated with hazardous materials shall be stored, handled, and processed as hazardous wastes.
  - (6) The total number of containers storing hazardous waste in a storage area shall not exceed the design capacity at any one time.

(d) Inspections

The owner or operator shall inspect areas where containers are stored in accordance with the written inspection schedule of the approved operation plan.

(e) Containment

The owner or operator shall provide a spill containment system in accordance with the approved operation plan.

(1) Drum Storage Area

The drum storage area shall have a continuous base that is impervious to the waste stored and shall be designed and constructed so that any surface water runoff or spills can be contained, and surface water runoff can be excluded. The containment system shall have sufficient capacity to contain ten percent of the volume of containers or the volume of the largest container, whichever is greater, plus capacity to contain precipitation from a 24-hour, 25-year storm.

(2) Solder Dross Storage Area

The solder dross storage area shall have a continuous base that is impervious to the waste stored and shall be designed and constructed so that any precipitation or surface water runoff can be excluded.

(f) Ignitable or Reactive Waste

Containers holding ignitable or reactive waste shall be situated at least 15 meters (50 feet) from the property line of the facility.

(g) Incompatible Waste

- (1) Incompatible wastes, or incompatible wastes and materials, shall not be placed in the same container, unless the requirements of Item 10 (b), Part III of this permit are met.

- (2) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material unless the requirements on Item 10 (b), Part III of this permit are met.
- (3) A storage container holding a hazardous waste that is incompatible with any waste or material stored nearby in other containers, shall be separated from the other materials or protected from them by means of a berm.

(h) Closure

The owner or operator shall close the container storage area in compliance with the approved closure plan.

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2  
700 HEINZ AVE., SUITE 200  
BERKELEY, CA 94710-2737  
(510) 540-3734



January 29, 1996

Thomas N. Eagleson  
Senior Vice President  
American National Can Company - 12H  
8770 West Bryn Mawr Avenue  
Chicago, Illinois 60631-3542

Dear Mr. Eagleson:

**AMERICAN NATIONAL CAN, OAKLAND PLANT CLOSURE CERTIFICATION, EPA  
ID NO.: CAD 009 162 116**

The Department of Toxic Substances Control (DTSC) approves the closure certification report dated December 8, 1995 for the above referenced facility. The report certifies that all RCRA-regulated units at your former Oakland Plant have been closed in accordance with the approved closure plan. This letter acknowledges that the RCRA-regulated units at your former Oakland Plant are now officially closed.

By copy of this letter, we are also informing our Financial Responsibility Unit of this acknowledgment and request that they send notification to your financial institution authorizing release of your financial mechanism for closure and liability coverage for sudden and non-sudden accidental occurrences.

DTSC's acknowledgment includes our recognition that there presently exists a Sitewide Risk Management Plan (SRMP) that primarily addresses management of residual groundwater pollution from past releases from former underground storage tanks at the facility. Implementation of the SRMP is under the regulatory authority of the California Water Quality Control Board, San Francisco Bay Region, and the Alameda County Department of Environmental Health.

If you have any questions, please do not hesitate to contact Ms. Sarah Picker of my staff at (510) 540-3973.

Sincerely,

Lester Kaufman, P.E., Chief  
Facility Permitting Branch

cc: See next page



Mr. Thomas N. Eagl on  
January 29, 1996  
Page Two

cc: Edward Alusow  
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Albany, New York 12205

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Rust Environmental & Infrastructure  
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Toxics Cleanup  
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Patricia M. Pollitzer  
(202) 862-2246

June 14, 1988

EPA 10# -

Mr. John Hagerty  
Chief, Program Monitoring & Personnel  
Toxic Substance Control Division  
Sacramento, California 94234-7320

Mr. Rich Vaille  
Program Manager of Waste Programs  
Toxics & Management Division  
U.S. EPA  
Region 9  
215 Freemont St.  
San Francisco, CA 94105

Re: Closure Plans  
American National Can Company  
Oakland and San Jose Plants

✓ CAD 009 162 116.

Dear Messrs. Hagerty and Vaille:

To aid the communication and coordination among the involved administrative agencies, I am writing to inform you that on March 18, 1988 and April 5, 1988 closure plans for American National Can Company's Oakland Plant and San Jose Plant, respectively, were submitted to the California Department of Health Services, North Coast Section.

Sincerely,

*Patricia M. Pollitzer*

Patricia M. Pollitzer

PMP:ids

cc: Ms. Judy Peters  
Timothy G. Rogers, Esq.  
Mr. James V. Trish  
Mr. James Warfield